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Dep & Ref
#307
P. 1

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JUN 22 2004

FAX

OFFICIAL

TO: attn: REFUND SECTION, OFFICE OF FINANCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax (703) 872-9306

FROM: Thomas J. Brindisi
Law Offices of Thomas J. Brindisi
Tel. (310) 439-2901
Fax (310) 439-2902

DATE/TIME: 6/22/2004 12:43 PM

14 Pages (including cover sheet)

RE: Refund Request

Application Number:	09/899,398
Attorney Docket:	257/210
Filing Date:	07/05/2001
First Named Inventor:	Abrar Tirmizi
Title:	Pyrotechnic Initiator with On-Board Control Circuitry
Examiner:	Henry A. Blackner
Art Unit:	3641

Attached are:

- Request for Refund, with Exhibits 1-3

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence and the attached correspondence(s) referenced above are being facsimile transmitted to the United States Patent and Trademark Office at the fax number set forth above on June 22, 2004.

Signed: 

Thomas J. Brindisi

257/210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abrar A. Tirmizi
Appl. No.: 09/899,398
Filed: July 5, 2001
Title: "Pyrotechnic Initiator with On-Board Control Circuitry"
Art Unit: 3641
Examiner: Henry A. Blackner

Request for Refund Pursuant to 37 CFR 1.26

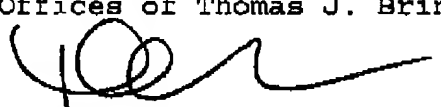
Attn: REFUND SECTION, OFFICE OF FINANCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant renews its request for refund of \$410.00 originally filed on June 23, 2003. Neither the refund request, nor the status inquiry filed on March 17, 2004 covering the request, has been acknowledged by the Office. The refund request is set forth again here, with the attachments:

Applicant respectfully requests a refund of the \$410.00 fee paid for the two-month extension request in this application dated June 23, 2003. That fee was filed simultaneously with the request to refund it, because the extension was necessitated by the fault of parties other than the Applicant. Specifically, the undersigned never received in the mail the Office Action that was allegedly mailed on March 21, 2003. After eventually inquiring as to the status of the application, the undersigned was faxed a copy of the Action on June 4, 2003, at which point the two-month extension was necessary (because the Action was a restriction requirement with a one-month deadline). Please apply the refund to the undersigned's credit card on which the fee was originally charged (current expiration date 2/2008).

Respectfully submitted,
Law Offices of Thomas J. Brindisi

BY


Thomas J. Brindisi
Reg. No. 40,348
Tel. (310) 439-2901
Fax. (310) 439-2902

Attachment 1

Patent
Attorney Docket: 257/210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Abrar A. Tirmizi Serial No.: 09/899,398 Filed: July 5, 2001 Title: "Pyrotechnic Initiator with On-Board Control Circuitry"	Group Art Unit: 3510 Examiner: Henry A. Blackner
---	---

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith in the above-identified application are the following items:

- (1) Request for Refund under 37 CFR 1.26.
- (2) Response to Restriction Requirement.
- (3) Credit Card Payment Form PTO-2038.

Please charge or credit Applicant's attorney's Deposit Account No. 502502 for any other fees in connection herewith.


Respectfully submitted,
Law Offices of Thomas J. Brindisi

Dated: June 23, 2003

By: Thomas J. Brindisi
Reg. No. 40,34820 28th Place, Suite B
Venice, California 90291
(310) 439-2901
fax (310) 439-2902CERTIFICATE OF MAILING
(37 C.F.R. § 1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

June 23, 2003


Thomas J. Brindisi

257/210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abrar A. Tirmizi
Appl. No.: 09/899,398
Filed: July 5, 2001
Title: "Pyrotechnic Initiator with On-Board Control Circuitry"
Group/A.U.: 3510
Examiner: Henry A. Blackner
Docket No.: 257/210

Request for Refund

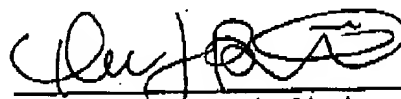
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

A Restriction Requirement was evidently mailed in this application on March 21, 2003, but was never received at the Applicant's attorney's address of record. The attached copy was faxed by Examiner Henry Blackner on June 4, 2003, shortly after the undersigned called and, *inter alia*, inquired into the status of this application.

Applicant therefore respectfully requests a refund of the fee paid for the two month extension request in this application. The refund may be credited to Applicant's attorney's Deposit Account No. 502502.

Respectfully submitted,
Law Offices of Thomas J. Brindisi

BY



Thomas J. Brindisi

Reg. No. 40,348

Tel. (310) 439-2901

Fax. (310) 439-2902

257/210

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JUN 22 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: Abrar A. Tirmizi
Appl. No.: 09/899,398
Filed: July 5, 2001
Title: "Pyrotechnic Initiator with On-Board Control Circuitry"
Group/A.U.: 3510
Examiner: Henry A. Blackner
Docket No.: 257/210

Response to Restriction Requirement

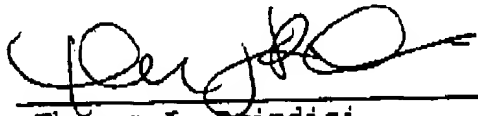
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

In response to the Restriction Requirement mailed on March 21, 2003, Applicant hereby elects to prosecute the invention of Group I, i.e., presently pending claims 1-10 and 17-19.

Applicant also hereby requests a two-month extension of time for this response. Attached Form 2038 is provided in the amount of \$410; the Commissioner is authorized to charge any required fees not included herewith, and to credit any overpayments to Applicant's attorney's Deposit Account No. 502502.

Respectfully submitted,
Law Offices of Thomas J. Brindisi

BY


Thomas J. Brindisi
Reg. No. 40,348
Tel. (310) 439-2901
Fax. (310) 439-2902

06/23/2004 LWONDIM1 00000035 09899398

01 FC:1252

10.00 DP

06/23/2004 LWONDIM1 00000024 09899398

410.00 DP

01 FC:1252

Attachment 2



UNITED STATES PATENT & TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL
PROPERTY AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

FAX COVER SHEET

To: MR. TOM BRIDISI	From: MR. HENRY A. BLACKNER
Re: 1-310-439-2102	Art Unit 3641
Serial No.: 09/899,302	Date: 4 JUNE 2003
CC:	Phone No.: 703-305-4744

06/04/03 WED 16:04 FAX

002

Office Action Summary	Application No. 09/888,388		Applicant(s) TIRMIZI, ABRAR		
	Examiner Henry A. Blackner		Art Unit 3641		
	<p align="center">-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</p> <p>Period for Reply</p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). <p>Status</p> <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>26 December 2002</u>.</p> <p>2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p> <p>Disposition of Claims</p> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-19</u> is/are pending in the application.</p> <p style="padding-left: 20px;">4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input type="checkbox"/> Claim(s) _____ is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8) <input checked="" type="checkbox"/> Claim(s) <u>1-19</u> are subject to restriction and/or election requirement.</p> <p>Application Papers</p> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.</p> <p style="padding-left: 40px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.</p> <p style="padding-left: 40px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p> <p>Priority under 35 U.S.C. §§ 119 and 120</p> <p>13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p style="padding-left: 20px;">a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:</p> <p style="padding-left: 40px;">1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="padding-left: 40px;">2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="padding-left: 40px;">3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p style="padding-left: 40px;">* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p style="padding-left: 20px;">a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p> <p>Attachment(s)</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTC 1449) Paper No(s) _____ </td> <td style="width: 50%; vertical-align: top;"> 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____ </td> </tr> </table>				1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTC 1449) Paper No(s) _____
1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTC 1449) Paper No(s) _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____				

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)

Office Action Summary

Part of Paper No. 8

Application/Control Number 09/899,398
Art Unit: 3641

Page 2

DETAILED ACTION*Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10 and 17-19, drawn to an on-board circuitry automotive pyrotechnic initiator and mating connector assembly, classified in class 102, subclass 202.14.
- II. Claims 11-16, drawn to a mating connector assembly, classified in class 439, subclass 180.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the combination as set forth in claim 17, which does not require all of the particulars of the subcombination as claimed for patentability. The subcombination has separate utility such as a light bulb socket.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry A. Blackner whose telephone number is 703-305-4799.

The examiner can normally be reached on 08:45 - 17:15.

06/04/03 WED 18:05 FAX

004

Application/Control Number: 09/899,398
Art Unit: 3641

Page 3

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4196 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

hab
June 4, 2003

Attachment 3

Continuation Sheet (PTOL-413)

Application No. 09/899,398

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: On 4 June 2003, Mr. Brindisi had called in order to verify the whereabouts of an Office Action in response to the Amendment that he had sent and was received at the PTO on 28 December 2002. I informed Mr. Brindisi that an Office Action directed toward a Restriction of claims 1-19 had been mailed on 21 March 2003. Mr. Brindisi therefore requested a copy of the afore mentioned Office Action to be faxed to his office. I faxed the afore mentioned Office Action to his office on 4 June 2003..